Cumberland Presbyterian Church (1910) 245 Ill. 74, 91 N. E. 761; *Krecker v. Shirey* (1894) 163 Pa. 534, 30 Atl. 440. A few courts regard the decision of a church tribunal as establishing a mere presumption which is not conclusive upon them in the settlement of property rights. *Monk v. Little* (1916) 122 Ark. 11, 182 S. W. 511. The instant case is in accord with the almost universal rule that the majority faction of a church cannot divert the property to another denomination or to the support of doctrines radically and fundamentally opposed to the characteristic doctrines of the original faith, to which a minority still clings. *Baptist City Mission Soc. v. People's Tabernacle Congregational Church* (1918, Colo.) 174 Pac. 1118; *Lindstrom v. Tell* (1915) 131 Minn. 203, 154 N. W. 969; *Kicinko v. Petruska* (1917) 259 Pa. 1, 102 Atl. 286. Where no particular doctrine is designated in a deed or grant to trustees, the nature of the trust is ascertained by reference to the circumstances, such as, the denominational name, the doctrine actually taught at the time, and the length of time such a doctrine has continued to be taught without interruption. *Hale v. Everett* (1868) 53 N. H. 9; *Lindstrom v. Tell, supra.*

EVIDENCE—NEGLIGENCE—ADMISSIBILITY OF SIMILAR ACCIDENTS.—The plaintiff sued the municipality for damages to an automobile driven against an unlighted concrete wall at the end of a bridge. The testimony of the police officer on the beat as to the number of accidents that had occurred at this place was rejected. *Held,* that it was not error to exclude testimony of other accidents at the same place in the absence of evidence that the same weather conditions prevailed. *Charles v. Mayor, etc., of Baltimore* (1921, Md.) 114 Atl. 565.

There is considerable conflict as to the admissibility of evidence of previous accidents at the same place to prove negligence on a particular occasion. *Phillips v. Willow* (1887) 70 Wis. 6, 34 N. W. 731; *Kress & Co. v. Markline* (1918) 117 Miss. 37, 77 So. 858. Some courts, considering such evidence as raising too many collateral issues, have held it entirely incompetent. *Williams v. Inhabitants of Winthrop* (1913) 213 Mass. 581, 100 N. E. 1101. A comparison of the decisions with a careful distinguishing of the facts will reconcile a great number of the cases. The admissibility of such evidence is best determined by its probative bearing on the case before the court. (1911) 32 L. R. A. (N. S.) 1104, note. The majority apply the test of relevancy. 1 Jones, *Evidence* (Horwitz ed. 1913) sec. 163, 164. So where the court has thought the testimony of previous accidents to be irrelevant and more collateral than probative, it has been rightly excluded. *Langworthy v. Green* (1891) 88 Mich. 207, 50 N. W. 130; *Barrett v. Hammond* (1894) 87 Wis. 654, 58 N. W. 1053. But such evidence is admitted by the majority of courts also to show notice of the dangerous character of the place of the accident. *District of Columbia v. Armes* (1883) 107 U. S. 519, 2 Sup. Ct. 840; *Kress & Co. v. Markline, supra.* However, testimony as to the absence of previous accidents at the same place and from the same cause is usually excluded as too remote and as raising too many collateral issues. *Cochran v. Kankakee Co.* (1913) 179 Ill. App. 437. Previous accidents, if relevant, are not objectionable on the mere ground of surprise. *Smith v. Seattle* (1903) 33 Wash. 481, 74 Pac. 674. Certainly, to be relevant, the previous accidents must have occurred under conditions similar to those in the case before the court. *Samuels v. Ry.* (1912, Tex. Civ. App.) 150 S. W. 291; *Chesapeake Ry. v. Kellys Adm'x* (1914) 160 Ky. 296, 169 S. W. 736. The trial court correctly used its discretion in excluding the evidence.

INJUNCTIONS—CONTINUED TRESPASS TO PERSONAL PROPERTY—BALANCE OF CONVENIENCE.—The defendant railroad seized coal shipments in transit whenever its own supply was interfered with by labor troubles. The defendant always offered

to pay the invoice price of the coal, plus ten per cent, but the plaintiff, whose shipments had been taken in this manner, sought to enjoin any such further seizures by the railroad. *Held,* that an injunction should be granted. *Mobile v. Zimmern* (1921, Ala.). 89 So. 475.

The defence to this admitted tort was that the seizures were affected with a public interest, and that the plaintiff had an adequate remedy at law. The question, therefore, was whether the court should take into consideration the balance of convenience, when it would otherwise restrain the threatened tort. As between the plaintiff and the defendant, there is some authority for the view that the balance of convenience should be the deciding factor. *Beidenkopf v. Des Moines Life Ins. Co.* (1913) 160 Iowa, 629, 142 N. W. 434; *Smith v. Rowland* (1914) 243 Pa. 306, 90 Atl. 183; *McCarthy v. Bunker Hill* (1906, C. C. Idaho) 147 Fed. 981, aff. in (1909) 212 U. S. 583, 29 Sup. Ct. 692. Where the general public interest is involved, the courts seem to be more willing to apply this doctrine. *Frost v. City of Los Angeles* (1919) 181 Calif. 22, 183 Pac. 342; *Andrews v. Cohen* (1917) 221 N. Y. 148, 116 N. E. 862; *Booth-Kelly Co. v. Eugene* (1913) 67 Or. 381, 136 Pac. 29. In the absence of this public interest, however, many courts refuse to apply the rule of comparative damage. *Felsenthal v. Warring* (1919, Calif. App.) 180 Pac. 67; *Longton v. Stedman* (1914) 182 Mich. 405, 148 N. W. 738. The instant case, involving a continued trespass, is to be distinguished from the cases involving a nuisance, as a different rule is applied. (1919) 29 YALE LAW JOURNAL, 240. It seems to accept the more general view that the balance of convenience should not control where a continuous trespass is involved. 5 Pomeroy, *Equity* (4th ed. 1919) sec. 1922; (1920) 18 MICH. L. REV. 703; *Hansen v. Crouch* (1920, Or.) 193 Pac. 454.

JURISDICTION—INDIAN COURTS—POWERS OF STATE COURTS IN CONTROVERSIES OVER INDIAN RESERVATION LANDS.—A peacemaker's court had been recognized on the Cattaraugus Indian Reservation. N. Y. Cons. Laws, 1909, ch. 26, sec. 46. This court had "exclusive jurisdiction . . . to hear and determine all questions and actions between individual Indians," residing on the reservation, involving the title to real estate thereon. Sections 5 of the Act gave the state courts power over such actions as were not under the jurisdiction of the peacemakers' court. A controversy arose among certain Seneca Indians. The plaintiff brought suit in a state court to determine her right to certain reservation lands in her possession, alleging that she resided "outside the territorial jurisdiction of the peacemakers' court." On a motion for judgment on the pleadings the complaint was dismissed. *Held,* that the judgment should be affirmed since the complaint did not show that the peacemakers' court was without jurisdiction. *Mulkins v. Snow* (Oct. 25, 1921) N. Y. Ct. of App. Not yet reported; for the opinion below see (1919, Sup. Ct.) 106 Misc. 556, 175 N. Y. Supp. 41.

Tribal Indians have a peculiar status: they are not citizens, and are, as a rule, subject only to federal authority. *United States v. Kagama* (1886) 118 U. S. 375, 6 Sup. Ct. 1109; *Naganab v. Hitchcock* (1906) 202 U. S. 473, 26 Sup. Ct. 667. The federal government derives its power to control them from historic reasons and from its sovereignty over the lands which they occupy. *United States v. Kagama, supra.* When the tribal organization is recognized by the federal government the Indians may regulate and govern their own internal affairs. *In re New York Indians* (1866) 72 U. S. 761. They are, as a general rule, not within the jurisdiction of a state, though residing within its geographic boundaries. *United States v. Hamilton* (1915, W. D. N. Y.) 233 Fed. 685. The state cannot tax their lands. *In re New York Indians, supra.* The Indians cannot, in the absence of an enabling statute, sue in a state court. *Johnson v. L. I. Ry.* (1899) 42 App. Div. 626, 61 N. Y. Supp. 1139. The statute giving the Seneca